



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,804	11/18/2003	Margaret Goodwin	MS1-1791US	5203
22801	7590	08/07/2009		
LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER MITCHELL, JASON D	
			ART UNIT	PAPER NUMBER
			2193	
			MAIL DATE	DELIVERY MODE
			08/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,804

Applicant(s)

GOODWIN ET AL.

Examiner

JASON MITCHELL

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to a request for continued examination filed on 5/19/09.

Claims 1, 4 and 6-13 are pending in this application.

Response to Arguments

Applicant's arguments filed 5/19/09 have been fully considered but they are not persuasive.

In par. [0011] the applicants state:

Please note that Li merely describes "the modules enabling feature functionality may also be downloaded in the background prior to being requested by the user." See *id.* Claim 1 of the present application recites that upon a specific component being requested, the specific component takes precedence over remaining components and is downloaded on-demand while the remaining components are drizzle-downloaded. Li has no mention of a requested module taking precedent over remaining modules and the requested module being downloaded on demand while the remaining modules are drizzle-downloaded. Li merely describes downloaded modules in the background. Furthermore, the remaining cited art do not overcome the deficiencies of Li. As a result, the cited art, alone or in combination, does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

The examiner respectfully disagrees. In par. [0060] Li discloses that when a module is requested any download which is in progress is suspended until the requested module is downloaded (*par. [0060] "if the module requested is not the module being downloaded ... the current download is suspended in operation 240; Fig. 10, 234, 240-242*). It should be recognized that this constitutes granting the requested component ("module requested") precedence over the component which was being downloaded ("module being downloaded" in Fig. 10, step 234). It is not explicitly stated

that the module being downloaded in Fig. 10, step 234 was being 'drizzle downloaded'. However, Li discloses granting such priority over any component which consequently includes those being drizzle downloaded (*see Li par. [0053] "the modules enabling feature functionality may also be downloaded in the background"*), and thus at least makes obvious the claimed limitation.

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 recites "wherein upon a specific component of the second subset of components is requested" (lines 26-27). It is believed this should read "wherein when a specific component of the second subset of components is requested". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li).

Claim 1

Kraenzel discloses a computer-readable storage medium having stored thereon an application framework for developing an application, comprising:

an application object that isolates the application from other applications or external resources, raises startup and shutdown events for the application, and manages application windows and resources (*figure 10; column 2, lines 20-28, web application*);

navigation components that provide navigation functionality by sharing a global state across a plurality of pages, journaling, journal extensibility, and structured navigation (*figures 14-21; column 5, lines 11-45, web enabled software*);

application lifecycle management components that define how the application is deployed, installed, activated, updated, rolled back, and removed from a computing system (*figure 10, element 246; figure 11; column 37, lines 38-47; column 39, lines 15-32*);

a secure execution environment that defines a default set of permissions for the application during execution of the application in the secure execution environment, and if the application requires permissions in addition to the default set of permissions, requiring installation of the application (*column 39, lines 15-32, offline subscription denoting additional permissions and secure environment as well*); and

a component that defines a mechanism that allows the application to access common window properties of a hosting environment in a like manner regardless of whether the hosting environment is a browser or a standalone window environment (*column 39, lines 33-38, integrated into Windows, multiple offline subscriptions, thus for*

both browser and standalone; col. 21, lines 9-10 "offline access provides an end user with just about all the capabilities of the online Web application"); and

specifies a subset of components of the application as offline (col. 40, lines 53-56 "tools in ... offline contexts") and a third subset of components of the application as online (col. 40, lines 53-56 "tools in ... online ... contexts"), with the offline and third subsets of components of the application differing (col. 40, lines 53-56 "tools in both online and offline contexts"; note the context distinction meets the broadly claimed 'differing'; also see col. 41, lines 15-19 "subscriptions 202 which the user has taken offline").

Kraenzel does not disclose a first subset of components as required and a second subset of components as on-demand.

Li teaches a manifest (*par. [0046] "the list of modules downloaded in operation 146 of Fig. 3"*) that further identifies offline applications (*i.e. applications to be stored on a client*) as a first subset of components of the application as required (*par. [0046] "application 160 core modules"*), a second subset of components of the application as on-demand (*par. [0046] "non-core modules"; note these modules are "downloaded and installed when needed" and thus constitute 'on-demand' applications see par. [0048]*), wherein the second subset of components being drizzle-downloaded in the background as a user interacts with the application (*par. [0053] "the modules enabling feature functionality may also be downloaded in the background prior to being requested"*),

wherein upon a specific component of the second subset of components is requested the second subset of components and is downloaded on-demand while the remaining components are drizzle-downloaded (*par. [0060] "if the module requested is not the module being downloaded ... the current download is suspended in operation 240 ... operation 242 where the requested module is downloaded ... operation 246 where the thread for the suspended download is resumed"; Fig. 10, 240-242).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a manifest including **LI**'s additional subsets of components (e.g. *Fig. 4 Core and Non-core modules*) as part of **Kraenzel**'s distribution (*col. 39, lines 24-28 "Sync Manager utility ... Files needed for working offline in a secure environment ... are also downloaded"*) and to drizzle download any on-demand (i.e. Non-Core) components. Those of ordinary skill in the art would have been motivated to do so in order to provide a user with more immediate access to the core application components (*Li par. [0038] "a method and an apparatus for providing timely downloading via the Internet of applications"; Kraenzel col. 11, lines 53-59 "files are transferred to client 200 ... over line 309, which ... may be a slower, network connection."*).

Claim 4

Kraenzel discloses a computer-readable storage medium

as recited in claim 1, wherein the application framework further includes components that define the behavior of windows associated with the application (*figures 14-21, evidenced by the windows shown*).

Claim 6

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the component that provides navigation functionality comprises a NavigationApplication object (*column 5, line 10, the online services model*).

Claim 7

Kraenzel discloses a computer-readable storage medium as recited in claim 6, wherein the NavigationApplication object identifies an initial resource to which the application navigates when launched (*figures 14-21, the resources launched; e.g. col. 19, lines 46-53 "Application Page 238"*).

Claim 8

Kraenzel discloses a computer-readable storage medium as recited in claim 7, wherein the NavigationApplication object further includes navigation related events that are fired in response to the occurrence of a navigation (*figures 14-21, as items are selected some event must correspond; column 5, lines 11-45, various elements of software*).

Claim 9

Kraenzel discloses a computer-readable storage medium as recited in claim 7, wherein the NavigationApplication object further comprises a Properties collection in which is stored state information about the application (*column 12, lines 1-5; column 12, line 62 to column 13, line 9*).

Claim 10

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the component that provides journaling and journal extensibility comprises a Journal object (*column 5, lines 35, iNotes*).

Claim 11

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein the navigation framework further comprises a NavigationWindow component associated with the application and that persists across navigations (*figures 14-21, column 5, lines 11-45*).

Claim 12

Li teaches a computer-readable storage medium as recited in claim 1 wherein the first subset of components are minimum code for the application to run in the hosting environment (*par. [0052] "the main class containing the entry point is mapped in to the core module"*).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li) in view of US 2004/0107291 to Gamo (Gamo).

Claim 13

Kraenzel and **Li** do not explicitly teach a computer-readable storage medium as recited in claim 1 wherein the third subset of components are stored in transient cache.

Gamo teaches storing online components in transient cache (par. [0068] "the cache can be used").

It would have been obvious to one of ordinary skill in the art at the time the invention was made store the online applications (*col. 40, lines 53-56 "tools in ... online ... contexts"*) in a transient cache (*Gamo par. [0068] "the cache can be used"*). Those of ordinary skill in the art would have been motivated to do so in order to reduce download times and thus execution speed (*Gamo par. [0068] "the cache can be used, and thus the download from the server can be partly omitted when the program is executed at the next time"*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON MITCHELL whose telephone number is

(571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/
Primary Examiner, Art Unit 2193